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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,300	02/06/2004	Soren M. Hansen	606-60-PA	5448

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EXAMINER	
PARSLEY, DAVID J	

ART UNIT	PAPER NUMBER
3643	

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/774,300	HANSEN, SOREN M.	
	Examiner	Art Unit	
	David J. Parsley	3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 June 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) *11-25* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *06 February 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☒ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *2-6-04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Detailed Action

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Europe on 2-12-03. It is noted, however, that applicant has not filed a certified copy of the patent application as required by 35 U.S.C. 119(b).

Election/Restrictions

2. Applicant's election with traverse of Group I claims 1-10 in the reply filed on 6-27-05 is acknowledged. The traversal is on the ground(s) that there is a direct correlation between each element and limitation of the method claim 1 and each element and limitation of apparatus claim 11. This is not found persuasive because as seen in paragraph 2 of the restriction requirement dated 6-6-05, the method and apparatus as claimed by applicant are distinct in that the method of preparing shrimp can be carried out with another materially different apparatus such as cutting the shrimp with a knife and cooking the shrimp in an oven. Therefore, the method and apparatus claims are distinct from one another and have divergent subject matter for purposes of searching each invention. Further, as seen in paragraph 1 of the restriction requirement dated 6-6-05, the method and apparatus claims are classified into different subclasses which means a different

search would need to be performed for each of the method and apparatus putting a burden on the examiner.

The requirement is still deemed proper and is therefore made FINAL.

Claims 11-25 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 6-27-05.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-7 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,099,400 to Ragnarsson et al. in view of U.S. Patent No. 5,112,269 to Petersen and U.S. Patent No. 4,517,707 to Braginsky et al.

Referring to claim 1, Ragnarsson et al. discloses a method of preparing shrimps, comprising the following steps of boiling the shrimps at an elevated temperature exceeding the boiling temperature of water at the atmospheric pressure for a specific period of time for keeping the meat of the shrimps in a compressed state – see for example at 1 and column 1 lines 40-60 and column 2 lines 22-60, rapidly cooling the shrimps to a temperature at or below the atmospheric temperature for causing substantially all meat of the shrimps to be separated from

the shells of the shrimps between an area behind the head of the individual shrimp and a part above the tail of the individual shrimp – see at 2,11 and 12 and for example column 1 lines 34-67 and column 2 lines 1-67, peeling the shrimps by mechanically opening the shells of the shrimps for allowing the meat loosely contained within the shells of the shrimps to fall out from the shells of the shrimps – see for example at 3-5, separating the meat of the shrimps from the remains of the shrimps, including the shell parts and any eggs by introducing the meat and the remains into a liquid such as a brine solution, including a specific amount of salt/sodium chloride by weight – see for example at 12 and column 2 lines 46-67, column 3 lines 1-67 and column 4 lines 1-47 and then removing the meat from the separation liquid – see for example column 2 lines 46-67, column 3 lines 1-67 and column 4 lines 1-47.

Ragnarsson et al. does not disclose steam boiling the shrimps at a high pressure exceeding the atmospheric pressure. Petersen does disclose steam boiling the shrimps at a high pressure exceeding the atmospheric pressure – see for example column 2 lines 4-63. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Ragnarsson et al. and add the steam boiling of the shrimp at high pressure of Petersen, so as to allow for the shrimp to be removed from their shells without losing juice and taste from the shrimp meat.

Ragnarsson et al. further does not disclose flotational separation of the meat from the shell remains by causing the meat to float on the separation liquid while allowing the remains of the shrimps including the shell parts and any eggs to sink. Braginsky et al. does disclose separating the meat of the shrimps form the remains of the shrimps including the shell parts and any eggs by flotational separation of the meat from the remains by introducing the meat and the remains into a separation liquid such as a brine solution including a specific amount of sodium

chloride by weight– see at 9 and 35 and column 4 lines 64-68, for causing the meat to float on the separation liquid while allowing the remains of the shrimps including the shell parts and any eggs to sink and then removing the meat form the separation liquid – see for example figures 1-5, column 4 lines 63-68 and column 5 lines 1-68 and column 6 lines 1-30. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Ragnarsson et al. and add the flotational separation of Braginsky et al., so as to allow for the processing of the shrimp and their respective shells to be increased to thus increase the throughput of the process/device.

Referring to claim 2, Ragnarsson et al. as modified by Petersen and Braginsky et al. further discloses the pressure being in the range of 4-20 bar – see for example column 2 lines 3-11 of Petersen.

Referring to claim 3, Ragnarsson et al. as modified by Petersen and Braginsky et al. further discloses the temperature being in the range of 150-250°C – see for example column 2 lines 3-11 of Petersen.

Referring to claim 4, Ragnarsson et al. as modified by Petersen and Braginsky et al. further disclose the specific period of time for the heating and pressurizing step being less than 20 seconds – see for example column 2 lines 4-11 and column 3 lines 47-65 of Petersen.

Referring to claim 5, Ragnarsson et al. as modified by Petersen and Braginsky et al. further discloses the temperature in the cooling step being in the range of 0-20°C – see for example column 2 lines 47-60 of Ragnarsson et al.

Referring to claim 6, Ragnarsson et al. as modified by Petersen and Braginsky et al. further disclose the boiling being performed in a pressurized boiler in a continuous operation – see for example column 2 lines 21-47 of Ragnarsson et al. and column 3 lines 35-65 of Petersen.

Referring to claim 7, Ragnarsson et al. as modified by Petersen and Braginsky et al. further discloses the boiling being performed in a pressurized boiler in an intermittent batch operation – see at 13 and 31 in figure 1 of Petersen.

Referring to claim 9, Ragnarsson et al. as modified by Petersen and Braginsky et al. does not disclose the aqueous solution of sodium chloride contains 6-14% by weight of sodium chloride. However, applicant does not state in the specification any particular that the use of sodium chloride at 6-14% by weight is done for any particular purpose or to solve any particular problem over that of the prior art and therefore it would have been obvious to one of ordinary skill in the art to take the device of Ragnarsson et al. as modified by Petersen and Braginsky et al. and add the aqueous solution containing 6-14% by weight of sodium chloride, so as to allow for the shrimp to be preserved and maintain the flavor of the shrimp meat during processing.

Referring to claim 10, Ragnarsson et al. as modified by Petersen and Braginsky et al. further discloses forcedly introducing the peeled shrimps into the separation liquid along with the shell parts and any eggs – see for example column 5 lines 33-68 of Braginsky et al.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ragnarsson et al. as modified by Petersen and Braginsky et al. as applied to claim 1 above, and further in view of U.S. Patent No. 3,818,818 to Hice. Ragnarsson et al. as modified by Petersen and Braginsky et al. does not disclose the cooling is performed by a water-cooling bath. Hice does disclose the cooling is performed by a water-cooling bath – see for example – at 100 and 102 in figure 2 and column 4 lines 60-66. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Ragnarsson et al. as modified by Petersen and Braginsky et al. and add the

water bath cooling means of Hice, so as to allow for temperature of the objects in the bath to be quickly reduced to facilitate further processing of the objects.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to methods of preparing shellfish in general:

U.S. Pat. No. 2,545,517 to Harris et al. – shows shellfish processing device

U.S. Pat. No. 2,600,867 to Gerritsen – shows shellfish processing method

U.S. Pat. No. 2,929,502 to Harris – shows flotational separation device

U.S. Pat. No. 3,513,071 to Fehmerling – shows shellfish processing method

U.S. Pat. No. 4,038,722 to Terase et al. – shows shellfish processing method

U.S. Pat. No. 4,307,492 to Braginsky et al. – shows flotational separation device

U.S. Pat. No. 4,417,507 to Shotwell – shows shrimp processing device

U.S. Pat. No. 4,639,976 to Hansen et al. – shows shellfish processing device

U.S. Pat. No. 4,769,870 to Hansen et al. – shows shellfish processing device

U.S. Pat. No. 5,156,873 to Skrmetta – shows shrimp processing device

U.S. Pat. No. 5,928,072 to Fulcher et al. – shows shellfish processing device

U.S. Pat. No. 6,235,338 to Gallant et al. – show shellfish processing method

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Parsley whose telephone number is (571) 272-6890. The examiner can normally be reached on Monday-Friday from 8am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DP

David Parsley
Patent Examiner
Art Unit 3643

PETER M. POON
SUPERVISORY PATENT EXAMINER

8/22/05